

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORTHLEY BEAUVAL,

Plaintiff,

NOTICE OF REMOVAL

- against -

Case No. # 21 Civ 9206
Law Dep't No.: 2021-001988

THE CITY OF NEW YORK, NYC POLICE COMMISSIONER DERMOT SHEA, PO DANIEL TOOMA (Shield No. 24945), WILLIAM HELBOK (Tax Reg. 941037) and JOHN DOES "1" through "10" (NYPD Deputy Commissioners, Commanding Officers and Supervising Officers responsible for directing and supervising the NYPD's response to the George Floyd and Breonna Taylor peaceful protests and the NYPD Officers responding to the June 1, 2020 protest at or near Trump Tower, whose names are currently unknown to Plaintiff),

Defendants.
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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants THE CITY OF NEW YORK and DERMOT SHEA (s/h/a NYC POLICE COMMISSIONER DERMOT SHEA) ("defendants"), by and through their attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. On August 29, 2021, Plaintiff commenced this action by filing a Summons and Complaint in the Supreme Court of the State of New York, County of New York, under Index No. 158073/2021, naming THE CITY OF NEW YORK, DERMOT SHEA, PO DANIEL TOOMA, WILLIAM HELBOK, and JOHN DOES "1" THROUGH "10"¹, as defendants therein, and setting forth the claims for relief upon which the action is allegedly based. A copy of Plaintiff's Summons and Verified Complaint, dated August 25, 2021, is annexed hereto as "Exhibit A."

¹ Plaintiff has not yet identified JOHN DOES "1" THROUGH "10" as named Defendants in this matter.

2. Upon information and belief, on October 7, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action.

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

4. Plaintiff brings this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, federal claims of false arrest, false imprisonment, malicious prosecution, excessive force, conspiracy, failure to intervene, and municipal liability, all in violation of the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution. See Ex. A. Plaintiff also asserts, *inter alia*, state law claims of false arrest, false imprisonment, assault, and battery. See Ex. A.

5. Defendants PO DANIEL TOOMA and WILLIAM HELBOK consent to the removal of this action to the United States District Court for the Southern District of New York. A copy of the Consent to Removal Forms of TOOMA and HELBOK are annexed hereto as Exhibit B.

6. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by the City, and all defendants consent to its removal. See 28 U.S.C. § 1446(b); Fed. R. Civ. P. 6(a).

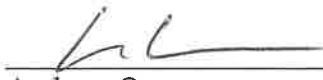
7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

8. Defendants are unaware of any previous application for the relief requested herein.

WHEREFORE, defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
November 8, 2021

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